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EXAMINER

HAQ, NAEEM U

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,322

Applicant(s)

BEZOS ET AL.

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference item "152" on Figure 8. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The use of the trademark "MICROSOFT" on page 2, lines 18 and 19 has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The disclosure is objected to because of the following informalities: Reference to Figure 1 on page 15, line 29 of the specification should be changed to Figure 5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the community" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not mention anything about a community.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi et al (US Patent 6,064,980) in view of Chislenko et al (US Patent 6,041,311).

Referring to claim 1, Jacobi describes a method of assisting users in evaluating items of an electronic catalog of items, the catalog accessible to users of an online store that provides services for allowing users to purchase items from the catalog (column 1, lines 15-17; column 2, lines 18-24), the method comprising the computer-implemented steps of:

- storing contact information for at least some of the users of the store within a computer memory (column 4, lines 47-50);
- identifying an item to be displayed to a first user (column 1, lines 17-24; column 1, lines 35-43; column 7, lines 30-34; Figure 5);
- identifying a second user that has rated the item (column 1, lines 35-43; column 4, lines 65-67; column 5, lines 1-15; column 7, lines 41-45).

Jacobi does not teach that the second user purchased the item. However, Jacobi discloses that the user profile database stores the purchase history of a user (column 4, lines 47-50). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the collaborative filtering technique of Jacobi so that the filtering technique was based on the second user's purchase history rather than the rating. One of ordinary skill in the art would have been motivated to do so in order to utilize the second user's purchasing history as an indication of the types of items that the second user preferred. Jacobi further does not teach the steps of retrieving the second user's contact information and electronically notifying the first user of the second user's contact information. Chislenko teaches recommending items to users using a collaborative filtering method comprising the steps of:

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- retrieving the contact information for the second user from the computer memory (column 2, lines 11-19, lines 41-46; column 3, lines 15-16; column 3, lines 38-44; column 21, lines 11-26);
- electronically notifying the first user of the contact information of the second user to allow the first user to communicate with the second user about the item (column 21, lines 11-26).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of Jacobi. One of ordinary skill in the art would have been motivated to do so in order to provide the users of an on-line store with a more personalized environment by allowing the users to interact with other people of similar interests and tastes.

Referring to claim 6, Jacobi and Chislenko teach all the limitations of claim 1 as noted above. Although Jacobi and Chislenko do not directly speak of sending the first user an email message which contains the contact information of a second user and a description of the product, Chislenko does teach facilitating and encouraging the first user to contact the second user (column 21, lines 15-26). In addition, it is well known in the art to send a user an email message with contact and product information.

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate an email message into the method of Jacobi and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to remind the first user of a product that the first user considered purchasing, or to

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remind the first user of contact information of a second user that the first user considered contacting.

Referring to claim 7, Jacobi teaches a data structure which maps items to users that purchased the items (column 4, lines 47-50).

Referring to claim 8, Jacobi does not teach an email alias for anonymous communications. However, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the method Jacobi. Doing so would enable a second user to interact with the first user without having to reveal his / her identity.

Referring to claim 12, Jacobi does not teach a method of online chatting. However, Chislenko teaches a method of presenting the first user an option to chat online with the second user (column 21, lines 11-17). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the online chat room of Chislenko into the method Jacobi. One of ordinary skill in the art would have been motivated to do so in order to enable the first user to converse with the second user online.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi and Chislenko as applied to claim 1 above, and further in view of Jacobi et al (US Patent 6,317,722 B1).

Referring to claim 2, Jacobi ('980) and Chislenko teach all the limitations of claim 1 as noted above. Jacobi ('980) and Chislenko do not teach that identifying the second user comprises: identifying the first user's community and determining whether another member of the community has purchased the item. However, Jacobi ('722) teaches recommending items, to users of an on-line store, using a collaborative filtering method based on the interests of a community of users (column 1, lines 42-56; column 2, lines 33-37). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Jacobi ('722) into the method of Jacobi ('980) and Chislenko. Such a modification would enable the method of Jacobi ('980) and Chislenko to identify the second user from the same community as the first user. One of ordinary skill in the art would have been motivated to do so in order to allow a potential customer to interact with a second customer who shared the same interests as the potential customer.

Referring to claim 3, Jacobi ('980) and Chislenko teach all the limitations of claim 1 as noted above. Furthermore, Jacobi ('980) teaches a method of identifying an item to display to a first user comprising: identifying an item that is popular (Abstract, lines 23-27; column 3, lines 16-29). Jacobi ('980) and Chislenko do not teach that the item is popular within the first user's community. However, Jacobi ('722) teaches a method for determining a popular item within a user's community (column 3, lines 15-18; column 6, lines 16-20; column 9, lines 22-31, lines 41-51; column 12, lines 44-48). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Jacobi ('722) into the method of Jacobi ('980) and

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Chislenko. One of ordinary skill in the art would have been motivated to do so in order to provide a better recommendation to the customer.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi ('980), Chislenko, and Jacobi ('722) as applied to claim 3 above, and further in view of Balabanovic et al ("Fab: Content-based, collaborative recommendation"). Jacobi ('980), Chislenko, and Jacobi ('722) teach all the limitations as noted above; however, they do not teach that at least one item distinguishes a community from the general user population based on purchases made within the community relative to purchases made within a general user population. Balabanovic teaches a method for identifying an emerging community from a general user population based on the purchases made within the community (page 1, lines 41-45; page 2, lines 1-2; page 6, lines 16-21). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Balabanovic into the method of Jacobi, Chislenko, and Jacobi. One of ordinary skill in the art would have been motivated to do so in order to support interactions between likeminded people and to provide group, as well as individual, recommendations as taught by Balabanovic.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi ('980) and Chislenko as applied to claim 1 above, and further in view of AMAZON.COM. Jacobi and Chislenko teach all the limitations as noted above; however, they do not teach incorporating the contact information into a product detail page requested by the first user. AMAZON.COM teaches a method of recommending

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items to a user wherein contact information for a second user is incorporated into a product detail page requested by the first user (page 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of AMAZON.COM into the method of Jacobi and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to enable the first user to easily contact the second user while still reviewing the product.

Claims 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi ('980) in view of AMAZON.COM.

Referring to claim 13, Jacobi describes a system for assisting users of an on-line store in evaluating items of an electronic catalog of items, the system comprising:

- a data structure which maps items from the catalog to users that have purchased such items (column 4, lines 47-50);
- a process which responds to an online request by a first user to view a description of an item from the catalog by at least (a) accessing the data structure to identify a second user that has rated the item (column 1, lines 35-43; column 4, lines 65-67; column 5, lines 1-15; column 7, lines 41-451).

Jacobi does not teach that the second user purchased the item. However, Jacobi discloses that the user profile database stores the purchase history of a user (column 4, lines 47-50). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the collaborative filtering technique of Jacobi

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so that the filtering technique was based on the second user's purchase history rather than the rating. One of ordinary skill in the art would have been motivated to do so in order to utilize the second user's purchasing history as an indication of the types of items that the second user preferred. Jacobi further does not teach displaying contact information of the second user to the first user in conjunction with a description of the item. However, AMAZON.COM teaches a system of recommending items to a user wherein contact information for a second user is displayed in conjunction with the description of the item (page 4). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of AMAZON.COM into the system of Jacobi. One of ordinary skill in the art would have been motivated to do so in order to enable the first user to easily contact the second user while still reviewing the product.

Referring to claim 14, Jacobi teaches that the data structure maps items to users that purchased the items (column 4, lines 47-50). Furthermore, Jacobi teaches that a collaborative filtering system uses the data structure to locate a fellow community member that purchased the item (column 1, lines 26-43; column 5, lines 7-10).

Referring to claim 15, Jacobi teaches that the data structure contains contact information of users (column 4, lines 47-50).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi ('980) and Chislenko as applied to claim 1 above, and further in view of de Hond (US Patent 5,796,395). Jacobi and Chislenko teach all the limitations of claim 1 as noted above. Jacobi and Chislenko do not teach presenting to users of the store at

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least one option screen which permits users to authorize release of contact information to other users on at least one of (a) a user-by-user basis, and (b) a community-by-community basis. de Hond teaches a method of presenting users with an option screen which permits users to release contact information to other users on a user-by-user basis (Figure 16, column 12, lines 56-59). The examiner notes that a private chat room enables a user to release any sort of personal information to only those who the user allows into the private room. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of de Hond into the method of Jacobi and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to enable the user to have a more personal relationship with a second user.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi ('980) and Chislenko as applied to claim 1 above, and further in view of Robinson (US Patent 5,918,014).

Referring to claim 10, Jacobi and Chislenko teach all the limitations of claim 1 as noted above. Jacobi and Chislenko do not teach an implicit membership community. However, Robinson teaches a collaborative filtering method which uses cookies to determine a user's implicit membership community (column 2, lines 13-22, lines 31-34, lines 48-52, lines 57-61). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Robinson into the method of Jacobi and Chislenko. One of ordinary skill in the art would have

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been motivated to do so in order to alleviate the user of the burden of having to create a profile by answering a series of questions.

Referring to claim 11, Jacobi, Chislenko and Robinson teach all the limitations of claim 10 as noted above. Jacobi, Chislenko and Robinson do not teach that the implicit membership community is based on email addresses of users. However, Robinson teaches that cookies are stored on the users' computers (column 2, lines 48-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the cookies of Robinson in the method of Jacobi and Chislenko to obtain the email addresses of users. One of ordinary skill in the art would have been motivated to do so in order to base the users' communities on a piece of data that did not change often.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobi ('980) and AMAZON.COM as applied to claim 13 above, and further in view of Chislenko.

Referring to claim 16, Jacobi and AMAZON.COM teach all the limitations of claim 13 as noted above. Jacobi and AMAZON.COM do not teach that the contact information includes email aliases for at least some of the users. However, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the system Jacobi and AMAZON.COM. Doing so would enable two users to interact without having to reveal their identity.

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Referring to claim 17, Jacobi and AMAZON.COM teach all the limitations of claim 13 as noted above. Jacobi and AMAZON.COM do not teach that the contact information includes an option for the first user to chat on-line with the second user. However, Chislenko teaches an option for the first user to chat on-line with the second user (column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate on-line chat features as taught by Chislenko into the system of Jacobi and AMAZON.COM. One of ordinary skill in the art would have been motivated to do so in order to provide the users of an on-line store with a more personalized environment by allowing the users to interact with other people of similar interests and tastes.

Claims 18, 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over <http://web.archive.org/web/19981212023239/http://www.bizrate.com/> (BizRate.com) and Chislenko.

Referring to claim 18, BizRate.com teaches a method of assisting a first user in evaluating a merchant (pages 3 and 4), comprising: identifying a community of which the first is a member (page 4). BizRate.com does not teach the steps of:

- identifying a second user that is a member of the community and that has engaged in business with the merchant;
- electronically notifying the first user of the contact information of the second user to allow the first user to communicate with the second user about the merchant.

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However, Chislenko teaches a method of recommendation using collaborative filtering wherein a second user, who shares a first user's interests, is identified. The method further notifies the first user of the second user in order to encourage and facilitate communication between the two users (column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of BizRate.com. One of ordinary skill in the art would have been motivated to do so in order to enable the first user to interact with another user who shared the same interest in a merchant.

Referring to claim 21, BizRate.com does not teach accessing a data structure which maps merchants to users that have engaged in business with such merchants for each of a plurality of communities. However, Chislenko teaches a method of using a data structure to map users to items that have been rated by the users (column 3, lines 38-57). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the data structure of Chislenko in the method of BizRate.com to store the users and the merchants rated by those users. One of ordinary skill in the art would have been motivated to do so in order to provide a user with a recommendation to a merchant based on the user's previous ratings of merchants.

Referring to claim 22, Chislenko teaches the use of an email alias for permitting anonymous communications (column 20, lines 43-45; column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the alias of Chislenko into the method BizRate.com.

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Doing so would enable a second user to interact with the first user without having to reveal his / her identity.

Referring to claim 24, Chislenko teaches a method of electronically notifying the first user of the second user by presenting the first user an option to chat online with the second user (column 21, lines 15-26). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Chislenko into the method of BizRate.com. One of ordinary skill in the art would have been motivated to do so in order to enable the first user to converse with the second user online.

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over BizRate.com and Chislenko as applied to claim 18 above, and further in view of Robinson.

Referring to claim 19, BizRate.com and Chislenko teach all the limitations of claim 18 as noted above. BizRate.com and Chislenko do not teach that the community is an implicit membership community. However, Robinson teaches a collaborative filtering method which uses cookies to determine a user's implicit membership community (column 2, lines 13-22, lines 31-34, lines 48-52, lines 57-61). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Robinson into the method of BizRate.com and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to alleviate the user of the burden of having to create a profile by answering a series of questions.

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Referring to claim 20, BizRate.com, Chislenko and Robinson do not teach that the implicit membership community is based on email addresses of users. However, Robinson teaches that cookies are stored on the users' computers (column 2, lines 48-52). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use the cookies of Robinson in the method of BizRate.com and Chislenko to obtain the email addresses of users. One of ordinary skill in the art would have been motivated to do so in order to base the users' communities on a piece of data that did not change often.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over BizRate.com and Chislenko as applied to claim 18 above, and further in view of <http://cgi.ebay.com/aw-cgi/eBayISAPI.dll?ViewItem&item=1333369241>

(Ebay.com). BizRate.com and Chislenko do not teach that the merchant is a seller on an online auction Web site, and the first user is electronically notified of the second user in response to an action performed by the first user while browsing the Web site.

However, Ebay.com teaches that the merchant is a seller on an online auction Web site, and that the first user is electronically notified of the second user in response to an action performed by the first user while browsing the Web site (pages 1 and 10).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Ebay.com into the method of BizRate.com and Chislenko. One of ordinary skill in the art would have been motivated to do so in order to provide a user with a recommendation for a merchant in an auction environment.

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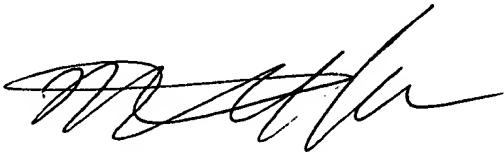
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is 703-305-3930. The examiner can normally be reached between the hours 8:00am – 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

NH
February 25, 2002



WYNN COGGINS
SUPERVISORY PATENT EXAMINER
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